Conceptions and discourses of linguistic justice

Conceptions and discourses of linguistic justice: some illustrations from the Scottish context

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Abstract

This article considers the example of Scotland in order to examine the ways in which issues, arguments and claims that implicate linguistic justice are framed and presented in public discourse and in different kinds of practical contexts. It takes a positive rather than normative approach, identifying and analysing the main issues and lines of argument that have emerged in practice, rather than testing a particular theoretical understanding of linguistic justice. The article examines the key principles and understandings that underpin the current policy regime and the nature of provision for particular languages in Scotland, especially the autochthonous Scottish Gaelic language, which receives particular concern from policy-makers but also attracts controversy. Other important language varieties include Scots; Polish, Urdu, Punjabi and Chinese; and British Sign Language. Anomalies and inconsistencies are identified and analysed in relation to provision for different languages in different fields, disparities that often have political or ideological ramifications and require to be understood in the distinct Scottish socio-political context. In the final section, the article addresses in the position of different languages in the Scottish education system, attempting to discern the extent to which greatly varying levels of provision for different kinds of languages can be understood in terms of linguistic justice.

Keywords: language policy, language rights, linguistic justice, autochthonous and allochthonous languages

This article considers the example of Scotland in order to examine the ways in which issues, arguments and claims that implicate linguistic justice are framed and presented in public discourse and in different kinds of practical contexts. The approach is positive rather than normative, identifying and analysing the main issues and lines of argument that have emerged, rather than testing a particular theoretical understanding of linguistic justice. Scotland makes for a useful case study in that it probably has much in common with other countries in terms of its general linguistic ecology and the contours of the prevailing public discourses that implicate linguistic justice in different ways. As with any specific example, of course, there are certain particularities or peculiarities to the Scottish case that make for distinct inflections, and some of these are highlighted later in this article.

The article begins with a brief overview of the linguistic ecology of Scotland and identifies some background issues that tend to cloud or confound any analysis of linguistic justice. The following section examines the key principles and understandings that are articulated in relation to the current policy regime and the nature of provision for different languages in Scotland, especially the Scottish Gaelic language. The article then considers the position of different languages in the Scottish education system, attempting to discern how this pattern can be understood in terms of linguistic justice.

Background to the Scottish case: some anomalies and side-issues

Some aspects of the Scottish case and its sociolinguistic and ideological peculiarities require to be flagged up at the outset. First, there is a fundamental difference between Scotland and other English-speaking countries on the one hand and other countries in Europe and beyond in which the growing role of English (within the national territory as well as internationally) represents a major sociolinguistic and policy issue. In Scotland, over 98% of the population can speak English well and around 93% probably have English as their mother tongue (if we can accept that problematic term) (National Records Scotland 2013a:). English is overwhelmingly dominant in all social and policy contexts in Scotland and English monolingualism represents the default norm, and debates and controversies concerning language in general and linguistic justice in particular tend to implicate languages other than English. This dynamic is profoundly different from that of countries in which the role of English is a source of controversy, perceived as encroaching on the position of the national language in particular domains such as higher education, sectors of the economy and elements of culture (Phillipson 2003).

The conventional distinction between autochthonous and allochthonous languages is well-established in public discourse in Scotland, so that languages that have been used in Scotland for centuries tend to be conceptualised in different terms than those that are connected to relatively recent immigration or labelled as 'foreign' (Phipps/ Fassetta 2015: 7). The issue of whether autochthonous languages should be treated differently from allochthonous languages has been very extensively debated in the literature on language rights and language policy, notably in the work of Stephen May (2011) and Will Kymlicka (1995), and I do not propose to explore that question in any detail with reference to Scotland. Indeed, in the Scottish context the conventional form of this argument is articulated relatively rarely: the idea that autochthonous minorities, and their languages, are entitled to be treated more favourably than other kinds of minorities on the grounds of their specific historical linkage to the national territory (McDermott 2016: 604–607). The prevailing version of the argument is usually rather different, as discussed below.

The main languages that come into play in relation to debates about linguistic justice in Scotland are as follows. Different kinds of issues concerning these various languages will be addressed in the next section.

Autochthonous languages

Gaelic
Scots
British Sign Language

British Sign Language may appear to be an outlier here but is important because there is a fairly advanced discussion in Scotland concerning this aspect of language policy. In 2015 the Scottish Parliament enacted legislation to promote BSL (the *British Sign Language Act (Scotland) 2015*) (Scottish Parliament 2015), and numerous public bodies have now prepared formal statutory plans to give effect to this enactment, as discussed in the final section below.

Allochthonous languages

Polish

Urdu
Punjabi
Chinese (unspecified)
French
German
Spanish
Arabic
Italian
Cantonese
Russian

These are listed in order of the number of respondents to the 2011 census who said they used a language other than English at home (National Records Scotland 2013b); the list gives the first eleven but the first four of these appear to be the most widely discussed in relation to public debates about linguistic justice.

'Foreign' languages in schools

French
Spanish
German

These three languages (in this order) are the most widely taught languages in Scottish secondary schools, with French well ahead of the others (Scottish Qualifications Authority 2018).

Before issues concerning linguistic justice are considered in detail, there are some preliminary points that require clarification.

It is a fundamental principle of sociolinguistics that judgments about particular linguistic usages usually represent judgments about the particular kinds of people that are associated with those usages (Trudgill 2001). This means that claims or arguments concerning provision for languages are sometimes framed with reference to the speakers of those languages, who may be characterised as deserving or undeserving for some non-linguistic reason. Consider the following argument by a councillor from the centre-left Labour Party in Scotland's capital, Edinburgh:

> For example, should expanding Gaelic Medium Education be more important than tackling the attainment gap?
>
> Only ten per cent of kids in Gaelic education come from deprived homes. The average in Edinburgh schools is twenty per cent, but many have over 80 per cent. What is more important?
>
> (*Edinburgh Evening News* 2017)

This argument taps into an established line of discourse in Scotland, which is even more prominent in Ireland (e.g. Flynn 2012), that parents who opt to have their children educated through the medium of Gaelic are disproportionately middle class and choose this form of provision in order to secure better education than others or even to avoid having their

children educated alongside children from undesirable backgrounds (e.g. Sorooshian 2010). Arguments in this vein are not directly about linguistic justice per se; rather, the language issue is dragged into wider debates about perceived social justice and injustice.

Another established idea is that claims concerning linguistic justice may be better understood as proxies for other kinds of political claims. In their well-known volume *Discourses of Endangerment* (2007), Duchêne and Heller argue that demands for improved provision for minority languages may really represent claims on resources on behalf of a particular group rather than actual attempts to improve the position of the languages whose needs are invoked. In the Scottish context, claims that implicate linguistic justice (especially those involving Gaelic or Scots) are often interpreted as being connected to positions on the main political issue in contemporary Scotland: the constitutional question of whether Scotland should remain in the United Kingdom or become an independent state (e.g. Deans 2016; Wilson 2017). Such interpretations are more prevalent among those who oppose provision for Gaelic or Scots than among those who support or demand it.

A related point is that arguments involving linguistic justice are sometimes made tactically, or even in bad faith. In the Scottish case, this is most commonly seen in relation to challenges to provision for Gaelic, with arguments made to the effect that provision should instead be made for a more widely spoken or more 'useful' language than Gaelic (e.g. Beacom 2018). Often such claims appear not to be advanced with the actual purpose of attempting to improve provision for these other languages but rather with the goal of blocking provision for Gaelic and enforcing a monolingual English norm (e.g. Galloway 2008).

A final introductory point: Scotland is probably also much like other countries, but hopefully worse off than some, in that discourses and debates implicating linguistic justice are typically conducted at a low intellectual level by commentators who have given little serious thought to the matter at hand. The great bulk of the relevant material emerges in middle-brow newspapers or on social media such as Twitter rather than in closely argued essays or focused expert discussions.

Linguistic justice in Scotland: claims, arguments and discourses

Claims and arguments that implicate linguistic justice arise in several distinct contexts in Scotland, with certain ideological positions, rhetorical turns and discursive tropes being well-established. Two basic underlying principles may be discerned. The first can be characterised as a form of utilitarianism: the view that provision for particular languages should be relatively greater or less according to the number of people who speak the language (whether they live in Scotland or elsewhere). More widely spoken languages are thus understood as more deserving or more 'useful' in instrumental terms. The second one is a simple principle of fairness: that like cases should be treated alike and that any differences in treatment should be based on grounds that can be shown to be legitimate.

The most frequently articulated argument involving linguistic justice is the 'common sense' idea that the level of provision for particular languages in Scotland should be proportionate to the number of people who speak them. As noted earlier, this kind of argument is most commonly heard in opposition to provision for Gaelic; sometimes the more deserving language that is invoked in contradistinction to Gaelic is Polish, Urdu, or Punjabi; sometimes it is Scots (e.g. Beacom 2018; Begbie 2015). The following excerpt from a newspaper column by a prominent former Member of Parliament, George Galloway, gives the flavour:

> There are more people who speak Punjabi in Scotland than have the Gaelic. Can you imagine the outcry if the government gave £50 per week per head to subsidise Lahore TV?
>
> And more people speak Polish in Scotland than speak Gaelic but Gdansk TV could only dream of such a subsidy (Galloway 2008).

The demography of Gaelic complicates matters, partly because of the overall size of the speech community and partly for reasons relating to territoriality. Gaelic (a Celtic language closely related to Irish and Manx) was used in almost every part of Scotland in the central Middle Ages, but it was never the sole language in the country, and in many areas it has not been spoken for seven or eight hundred years (McLeod 2019: 142–144). Today only about 1.1% of Scots speak Gaelic, a total of 57,000 people, and in most of the country the proportion is 1% or less (National Records Scotland 2015). All Gaelic speakers (like all Welsh and Irish speakers) can also speak English. However, the distribution of the Gaelic-speaking population is increasingly dispersed: 43% of Gaelic speakers live in areas where less than 1.1% of the population can speak Gaelic (National Records Scotland 2015). In addition, promotion of the language is increasingly national in scope: the largest Gaelic schools are in the cities of Glasgow and Edinburgh, for example, and public agencies throughout Scotland are implementing Gaelic language plans under the *Gaelic Language (Scotland) Act 2005* (Scottish Parliament 2005), which also requires the publication and implementation of a National Gaelic Language Plan. These demographic shifts and policy measures mean that Gaelic has an increasing presence, including a presence in the linguistic landscape, in parts of the country that have not had a strong Gaelic tradition in recent centuries.

For some critics, this increased provision and presence is inappropriate and even unjust, with the typical idiom being that Gaelic is being "forced" or "rammed down our throats" (*The Scotsman* 2016; Sorooshian 2010). Much of the concern that is expressed is framed in terms of territoriality, so that a common argument is that promotion of Gaelic is acceptable but only in areas where it is traditionally spoken (e.g. Brocklebank 2016; *Daily Mail* 2016). These areas tend to be defined in such a way that they are always somewhere far away from where the complainer actually lives. In any event, only a quarter of Gaelic speakers – less than 15,000 people in total – live in areas in which Gaelic is spoken by the majority of the population (National Records Scotland 2015), and efforts to establish even a bilingual territorial regime there, a weaker version of what was attempted in the Welsh-language 'heartland' of Gwynedd (Carlin 2013), have stumbled for a variety of reasons.

Opposition to public expenditure on programmes to support Gaelic is often expressed with arguments that Gaelic "should be left to die in peace" or "taken off life support" (Sorooshian 2010; Reilly 2013). It is notable here that such arguments are almost invariably framed in pragmatic terms (i.e. that the demise of Gaelic is inevitable or 'natural' and attempts to forestall this outcome futile). This is very different from the strong liberal position that the state should not make differentiated provision for linguistic or other minorities and should work instead towards national unity and uniformity, as was repeatedly statedin the nineteenth century:

> The Gaelic language may be what it likes, both as to antiquity and beauty, but it decidedly stands in the way of the civilisation of the natives making use of it, and

> shuts them out from the paths open to their fellow-countrymen who speak the English tongue. It ought, therefore, to cease to be taught in all our national schools; and as we are one people, we should have but ONE language (Census Office 1874: II, xx).

One difficulty with the current pattern of provision for Gaelic is that it tends to sit within a strictly bilingual Gaelic-English dynamic. Gaelic appears in many contexts in parallel with English and no other language is recognised, even though only a little over 1% of the Scottish population know Gaelic. Examples include the signage at the Scottish Parliament, which is fully bilingual, and at railway stations, where Gaelic is now visible throughout Scotland, albeit confined to the names of stations on platform signs. According to the Gaelic Language Act of 2005, Gaelic is to be accorded "equal respect" with English; no other language in Scotland has a comparable status. In most situations, however, the aspirational norm expressed in the Gaelic Act amounts only to what De Parijs calls the "symbolic assertion of equal dignity" (2011: 173), and there are many important contexts and domains (some of them discussed below) in which there is no provision for Gaelic at all.

It has sometimes been argued that this English-Gaelic linguistic duality has negative consequences for other languages. A particularly strong critique was set out by the former Commission for Racial Equality in 2003 in relation to the planned legislative requirement for public bodies to develop Gaelic language plans (a mandate that was eventually included in the 2005 Act):

> In our view, requiring authorities to prepare and publish a Gaelic language plan will impact on public authorities' ability to meet [their duties relating to racial equality] . . . By focusing only on Gaelic, it could be argued that authorities are not giving due regard to promoting equality of opportunity and promote good relations between people of different racial groups. Also, unless authorities include the other relevant languages in their language plan, they may not be able to fully meet their requirement . . . to ensure public access to information and services (Commission for Racial Equality 2003).

This submission was sharply criticised, however (Ó hIanlaidh 2003), and arguments to this effect are not often articulated in relation to Gaelic development policy.

The issue of linguistic justice and numerical criteria is often raised in relation to Scots, which is the distinctively Scottish language variety, descended from Old English and closely related to English, which became dominant in southern and eastern Scotland (the so-called 'Lowlands') from the late Middle Ages onwards (Millar 2018). The 2011 census asked about abilities in Scots for the first time and 30% of the Scottish population (just over 1.5 million people) indicated that they could speak Scots (National Records Scotland 2011: Table KS206SC). A key difficulty relating to Scots is a lack of clarity concerning its linguistic status – whether it should be considered to constitute a distinct language or only a variety (or 'dialect') of English (Millar 2018). A survey of the Scottish population in 2010 found that 64% of respondents agreed with the proposition that "I don't really think of Scots as a language, it's more just a way of speaking" (TNS-BMRB 2010: 15). Despite having a rich literary history, there is no standard form of Scots which would serve to clarify its differentiation from English (Costa 2018). This uncertainty is probably an important element in the fact that there has been very little demand for provision in relation to Scots, and there is in fact very little provision for the language compared to Gaelic. There is a Gaelic Language Act and a Gaelic television service, and a network of Gaelic-medium schools, yet nothing

like this exists for Scots. This provision for Gaelic, which has almost all been put in place since the 1980s, has followed sustained campaigning, organising and pressure, but there has been no comparable mobilisation on behalf of Scots.

An important question of principle that arises from this differentiation in provision is whether it is appropriate – whether it is just – to require the expression of demand before provision will be made, or whether the needs of particular language groups should be assessed in objective terms, by the application of abstract criteria or norms. The former is a more pragmatic, even Realpolitik approach, the latter more abstract and idealistic, and quite probably unrealistic in practice. An additional issue here is whether comparable expressions of demand, for example in relation to educational provision, would be dealt with in the same way by the relevant authorities. It is entirely possible that some groups or claims might be treated less sympathetically for one reason or another, and that some of these reasons might be invidious.

This issue of possibly unjustified variegation in provision has arisen in a wider UK context in relation to the European Charter for Regional or Minority Languages (McLeod 2008). The European Charter requires signatory states to take a range of actions on behalf of regional and minority languages spoken in their territory; it covers only autochthonous languages, not allochthonous ones, thus raising an issue of linguistic justice at the outset. When the UK government ratified the Charter in 2001, it designated some languages under Part III, which requires state parties to give a broad range of commitments in distinct fields of activity, and some only under Part II, which is very general in its phrasing and does not involve any concrete obligations. Scots, along with Ulster Scots, Cornish and Manx, was designated under Part II only. The languages designated under Part III were Welsh, Gaelic and Irish, but even here there were significant disparities: the government bound itself to 52 paragraphs and sub-paragraphs in relation to Welsh, but only 39 in relation to Gaelic and 35 in relation to Irish, the minimum number sufficient for an effective ratification. These commitments were carefully chosen to align as closely as possible with existing provision for the different languages, so as to avoid having to make any substantial changes in policy as a result of the ratification. It would have been possible for the government to use this opportunity to level up provision, to determine whether the objective needs of the Gaelic and Irish language communities justified improvements in provision to align with what was in place for Welsh – but this was not done. Again, though, the superior provision for Welsh tended to reflect incremental concessions on the part of the state in response to pressure from large numbers of people, that is to say a strong demonstration of democratic expression, so that the disparity might be considered ‘just’ from that perspective. This argument would be easier to sustain if Northern Ireland were a better functioning democracy, more akin to Scotland or Wales, rather than a profoundly divided society with a long history of structural discrimination against a large minority of the population – the minority associated with the Irish language (Muller 2010).

A different strand of argument concerning language provision in Scotland involves restorative justice – the idea that language policy decisions should attempt to correct historic injustice of some kind. This is an important element in arguments in support of Gaelic in particular, based on the claim that the current marginal state of the language is the result of negative or hostile policies or decisions in the past. This proposition is a familiar one in Scotland, taking into account centuries of hostility and denigration on the part of the public authorities and other powerful institutions that included phases of military repression and large-scale evictions and forced migration of the Gaelic-speaking population. This

understanding of restorative justice was notably expressed by then First Minister Jack McConnell in 2003 when he announced the bill (enacted in 2005) to give Gaelic limited official status in Scotland:

> I am here to announce the first ever government-sponsored bill on the Gaelic language in Scotland, in some ways to right the many historic wrongs. Government backing was not always there. Back in 1616, an act decreed that Gaelic should be abolished and removed. But, with government backing, I believe it can survive and thrive (*The Herald* 2003).

Despite their prominence in public discourse in Scotland, restorative justice claims are distinct from and arguably irrelevant to a linguistic justice analysis, in that they arguably involve an assessment of the rights and wrongs of something that happened in the past and not an analysis of the current situation in relation to matters of language. Even if the current position results from the circumstances of the past, it would be difficult to draw a direct connection between particular events in the past and the current linguistic situation, given that Gaelic-English language shift in Scotland (as is typical of language shift more generally (Mufwene 2017)) has involved a complex mix of political, socio-economic and ideological factors. More complex still is the design of a policy regime that would endeavour to put in place the linguistic situation that would have existed in the absence of the historical injustice (Lewis 2010).

In contrast, one strand of argument that is not particularly common in Scotland is the established idea that authochthonous languages such as Gaelic deserve higher priority than allochthonous languages because they belong to the nation and form an essential part of the national culture in a way that is not true of allochthonous languages. The lack of recourse to this argument may reflect the prevailing ideology of 'civic nationalism' of Scotland, a hegemonic understanding in which new ethnic or linguistic groups are accepted as part of the Scottish polity and narrower ethnocultural understandings of 'Scottishness' are disfavoured (McCrone 2017: 329). The complacency that often underpins this view has been challenged in relation to inadequate provision for Urdu, as discussed below.

The much more commonly articulated argument in support of a distinct position for Gaelic is that Scotland has a special responsibility for the language, that if Gaelic dies out in Scotland it dies out everywhere, whereas allochthonous languages such as Polish have many millions of speakers in their "homeland" (*The Courier & Advertiser* 2014). This position clearly has connections to the restorative justice line of argument. The argument also involves a form of reification, assessing languages as abstract entities rather than in relation to the actual people who speak them; this is a familiar issue in sociolinguistics and language policy (e.g. Makoni/ Pennycook 2005: 149–150). In terms of linguistic justice, speakers or communities may be entitled to supportive provision where they live and the existence of other speakers and communities elsewhere does not necessarily provide a basis to deny such provision.

In other respects, however, Gaelic speakers are disadvantaged in comparison to speakers of other languages in Scotland. In several important policy contexts, the operative principle that determines the nature of provision is very different from that which applies to public signage at the Parliament and railway stations. For example, the established norm in Scotland is that it is appropriate to provide translation or interpretation services to and from English for people who cannot understand English, but to require anyone who can use English to do so. This is embedded in the law of Scotland in relation to court proceedings and it means that (with

some very minor exceptions) Gaelic speakers cannot use the language in courts in Scotland, since all Gaelic speakers are now able to speak English (Dunbar 2005: 469). Two points should be noted here. First, following concessions to Welsh language campaigners, this principle has not applied in Wales since 1942, and under current law all Welsh speakers (who can also all speak English) may use Welsh in court proceedings (Huws 2018: 301). Second, it conflicts somewhat with the principle of restorative justice, in that it might be argued that the reason all Gaelic speakers are bilingual is a consequence of calculated state education policy which confined Gaelic to the margins.

These restrictions on the use of Gaelic are not confined to court practice but also arise in relation to the provision of translation and interpretation services by local authorities. The City of Edinburgh Council, for example, has characterised Gaelic as a mere "language of choice" rather than a (more deserving) language 'of need', and, on this basis, has declined to provide interpretation or translation services for Gaelic speakers:

> Gaelic-speaking people brought up in the UK are normally fluent in English since English is the official language taught in any British school. Therefore Gaelic is normally seen as a language of choice as opposed to one of need, for example, in the case of a Chinese speaker who cannot speak English (City of Edinburgh Council 2005).

The distinction between "languages of need" and "languages of choice" implicates familiar issues in terms of linguistic justice (even if this particular verbal formula is not common) but conflicts with other principles concerning language rights and the obligations of the state. A narrow view would hold that linguistic justice is simply not implicated if the citizen is able to communicate in the state language but chooses not to do so (cf. De Schutter/ Robichaud 2015: 101). In contrast, the European Charter endeavours to create conditions to allow for the maintenance of minority languages, including permitting individuals to use the language of their choice when dealing with the public authorities (Dunbar 2001). It is now common in European minority language communities for all speakers to know the state language (English in the case of Gaelic, French in the case of Breton, German in the case of Sorbian etc) and a contrary approach would tend to thwart the policy aims of the Charter and the underlying goal of maintaining the autochthonous minority languages of Europe.

Linguistic justice and educational provision in Scotland

One of the most important fields that implicates issues of linguistic justice in Scotland is that of provision for languages in the public school system. As in other fields, the baseline norm here is English monolingualism; "there exists throughout Scottish society a belief about the doubtful merits of learning other languages in a world dominated by English and a widespread expectation that other people can and will communicate in English" (Hancock 2014: 174). The uptake of language subjects in Scotland has always been relatively low compared to other European countries, as has the seriousness of purpose brought to their study (Phipps and Fassetta 2015: 16–17), and indeed the numbers of secondary pupils who earn school qualifications in languages has declined markedly in recent years (Reform Scotland 2018).

It is helpful to distinguish two aspects of language provision: education through the medium of a language other than English and teaching of languages as an individual school subject. The first kind of provision involves the binary English/Gaelic dynamic that is seen in relation

to public signage. There are essentially only two options available in Scotland: education through the medium of English or education through the medium of Gaelic, the latter being available only in about 3% of schools. There are no programmes to offer French-medium education or Italian-medium education, for example, although there have been some small-scale, short-term initiatives with these languages in the past (Hancock 2014: 175). Thus a situation has been established in which 99.2% of Scottish primary school pupils receive education through the medium of English and 0.8% receive education through the medium of Gaelic. No other linguistic options are available.

This situation has not arisen on the basis of systematic assessments of potential policy options or a principled evaluation applying concepts of linguistic justice. Instead it has involved the dynamic discussed earlier: decision-makers respond to organised demand, and institutionalised provision then aligns with these responses, becoming ossified over time. A key factor in Scotland, and the rest of the UK, in relation to language teaching is that there is no consensus on what the "next most important" language is, a position that is very different from continental European countries, where there is consensus everywhere on the priority of English. Thus, for example, while it is possible that some parents might wish to have the option of French-medium education, or Spanish-medium education, or Mandarin-medium education, there has never been a sustained campaign to put pressure on the public authorities to offer such provision through any language other than Gaelic. (Private education is extremely limited in Scotland, encompassing only about 4% of pupils (Scottish Council of Independent Schools 2018)). A key difficulty here is that parents who might like to have the option of French-medium education would probably not accept Mandarin-medium education as the next best thing, or vice versa. At the same time, there is some evidence that some parents choose Gaelic-medium education not because they place particular value on Gaelic but because they value bilingual education per se and suggest that they might have preferred a language other than Gaelic if that option had been available (O'Hanlon/ McLeod/ Paterson 2010).

Other anomalies are apparent in relation to the provision of 'foreign' languages as a secondary school subject. Again we see the lack of consensus as to what the 'next most important' language should be, and thus there are three languages that are much more widely taught in schools than others: German, Spanish and especially French. Between them these three languages account for almost 90% of the enrolments for secondary school certificate examinations. This is illustrated by the number of pupils entered in 2018 for the Higher exam, which is the main secondary school qualification in Scotland (more or less comparable to the A Level in the rest of the UK) (Scottish Qualifications Authority 2018).

Entries for Higher, 2018

French	3780
Spanish	2795
German	817
Italian	252
Latin	226
Gaelic	205
Chinese languages	152
Urdu	103
Arabic	*0*
Polish	*0*

Gaelic plays a very peripheral role in this aspect of the curriculum, offered in only about one tenth of Scottish schools. There are two distinct streams: one for learners, who typically begin studying the language at secondary level, and one for fluent speakers, typically for pupils who have received their primary education through the medium of Gaelic (Robertson 2018: 23–24). Note that there is no Higher qualification in Scots, and that Scots is not taught as a distinct subject in Scottish schools; instead it tends to be taught within the context of English language and literature, and even this provision is patchy and sometimes controversial (Niven 2017).

This pattern of foreign language teaching is best understood as the product of inertia rather than an assessment of linguistic justice or a response to current demand. When secondary school education began in Scotland in the late nineteenth century, French still retained its cultural primacy in Europe and thus it was selected as the principal foreign language for the schools, with German in second place. Successive generations of teachers went through training and those teachers then went on to teach what they were trained to teach, and the process repeated itself (McLelland 2018: 7). Obviously French remains an important language in Europe but it would be difficult to sustain the argument that it is four times more important than German and infinitely more important than Russian, which is barely taught in Scottish schools at all since the withdrawal in 2015 of the Higher qualification in Russian (Scotland-Russia Forum n.d.).

The most active controversies in relation to language provision in Scottish schools that implicate linguistic justice relate to Polish and other languages that are now widely spoken by immigrant groups in Scotland. A strong view of the underlying question of principle here is stated by Hancock: "all minority [language] speakers share similar concerns and dilemmas about maintaining their language and these families have a right to pass on their linguistic heritage to their children" (Hancock 2014: 177). It is possible to interrogate this claim from different angles, however. In relation to immigrant groups, it may not necessarily be the case that all minority language communities, and all speakers of those languages, have identical views on the issue of language maintenance, especially in the medium and long term. There are various practical challenges concerning the manner in which this general "right" might be made operational, as well as the underlying issue of whether it is appropriate to make differentiated provision for allochthonous and autochthonous languages.

On the ground, however, clear disparities are apparent, and with them some evidence of frustration and controversy. While the national examinations authority (the Scottish Qualifications Authority) has developed exam qualifications and syllabi for Urdu, a language associated with immigration from Pakistan in the post-war period, the supply of teachers has been limited and the level of provision has diminished in recent years (*Evening Times* 2018). This led one campaigner to go so far as to characterise this as "a form of anti-Muslim racism being played out by the state" and highlighted the contrast with the dedicated funding made available for Gaelic, a language "spoken by white Scots, whilst Urdu is spoken predominantly by brown Muslims" (*The Times* 2018). This argument provoked considerable controversy and was very much out of keeping with the normal lines of public discourse in Scotland. From perspective of the Gaelic community, perhaps the most surprising aspect of the argument was the failure to appreciate the historical marginalisation and discrimination experienced by the Gaelic minority within Scotland.

As for Polish, no qualifications or examinations have been developed at all (hence the italics on the table above), even though only English and Scots are now more widely spoken in Scotland (National Records Scotland 2013). This has caused frustration among campaigners from the Polish community, with one even saying that "The whole Scottish system seems to be working against what we are trying to do. It's very difficult to get people to change their thinking" (*The Times* 2017).

On the other hand, it must be borne in mind when considering demands to introduce additional languages into the education system that developing language programmes involves extensive planning as well as significant resource expenditure. This is the inverse of the inertia that has continued to sustain the dominance of French as a school language. In the case of Gaelic, for example, developing an adequate range of school materials and training sufficient numbers of teachers has been a huge and ongoing challenge since bilingual instruction was introduced in the 1970s. Arguments along these lines have been presented in order to rebuff calls for the teaching of Arabic, among other languages (*The Herald* 2013).

Provision for British Sign Language

The final set of issues that merit consideration in terms of linguistic justice and languages of Scotland involves BSL, which is now protected by the British Sign Language (Scotland) Act 2015. Other than the Gaelic Act referred to earlier, this is the only legislation in Scotland that deals specifically with language. The context of BSL is quite different from that of spoken languages in many respects; arguments concerning the conceptualisation of deafness and BSL in terms of 'disability', the social exclusion of Deaf people and the distinct needs of the Deaf community bring a different dimension to the discourse.

These differences of focus can clearly be seen in the Scottish Government's *British Sign Language (BSL) National Plan 2017-2023* (Scottish Government 2017). This plan, which is required under the terms of the BSL Act, states the following general aim:

> That people whose first or preferred language is BSL will be fully involved in daily and public life in Scotland, as active, healthy citizens, and will be able to make informed choices about every aspect of their lives (Scottish Government 2017: 6).

Repeatedly throughout the plan, there is an emphasis on "improving access" and "removing obstacles" and "barriers" so as to bring about inclusion and participation in society and societal institutions. Clearly significant issues of justice are presented here, but it is less clear whether these are best analysed in terms of *linguistic* justice.

There is a complex debate about the extent to which sign languages should be assessed in the same policy terms as spoken languages, which is not the concern of this paper, but two points are worth noting. First, Scotland is by no means alone in having enacted legislation on sign language; there are now 31 countries in the world that have done so, often in recent years, so it would seem that arguments in favour of such provision are gaining purchase and are perceived as having philosophical or political merit (De Meulder/ Murray/ McKee 2019). Again, however, it might well be said that these arguments relate to social justice more generally and not specifically to *linguistic* justice. The second point is that the success of the campaign for legislation in Scotland underscores once again how the political process can produce different outcomes in relation to language provision that may not necessarily align with abstract principles of linguistic justice. The campaign for the BSL Act in Scotland took

years of intellectual preparation, strategising and lobbying work, as was the case with the Gaelic Act before it (De Meulder 2017). In the absence of this sustained campaign it is certain that government and policymakers would not have taken meaningful action. In contrast to the Gaelic Act, the implementation of the BSL Act, which involves a similar pattern of a national language plan and individual language plans by specified public bodies, has generated very little controversy, perhaps because BSL is considered *sui generis* and not something that can be directly compared to other languages (as Gaelic is to Scots and Polish, for example).

Conclusion

The case of Scotland is a helpful one for the assessment of linguistic justice *in vitro* even if any lessons that might be drawn are probably more negative than positive: Scotland cannot be said to offer many examples of wise linguistic management or good practice in language policy more generally. Provision for different languages has clearly not developed on the basis of principled analysis and rational planning, but through the vagaries of the political process, itself refracted through aspirations, assumptions and prejudices of different kinds. Practical matters such as the availability of funding play an important role too, even if arguments concerning scarcity often amount only to a rationalisation of underlying choices and priorities. In the case of Gaelic, perhaps the most publicly controversial element of language policy in Scotland, the possibility of language death brings a heightened sense of concern, even if this concern is far from universal.

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